

IV Five Year Plan of The State

241. Sri G. MADE GOWDA (Kirugavalu).—

Will the Minister of State for Planning and Information be pleased to state :—

- (a) whether the IV Five year Plan of the State has been finalised;
- (b) if so, the extent of total outlay ;
- (c) the amount expected as grant by the Central Government ?

Sri DEVENDRAPPA GHALAPPA (Minister of State for Planning and Information).—

- (a) Yes.
- (b) Rs. 350 crores.
- (c) Rs. 173 crores of which 70 per cent is loan and 30 per cent grant.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

re : Remission of Local fund Cess on land Revenue in Ramdurg Taluk.

Sri R. S. PATIL.—I call the attention of the Minister for Revenue to the remission of local fund cesses on land revenue in Ramdurg Taluk of Belgaum District.

Sri N. HUTCHAMASTHY GOWDA (Minister for Revenue).—I State as follows :

The Rules for suspension and remission of land revenue are prescribed in Government Notification No. RDF 9 TRM 66 dated 15th April 1968. In accordance with these Rules, remission of land revenue is being granted by the Government and suspension of land revenue is being sanctioned by the concerned Deputy Commissioners to whom powers have been delegated in that respect.

As there was no specified provision in the Mysore Land Revenue Act, 1964 and Rules thereunder as to the remission of cesses following remission of land revenue, the opinion of the Department of Law and Parliamentary Affairs was sought in the matter. That Department has recorded its opinion as follows,

“ The expression ‘ land revenue ’ is not defined under Sec. 2 of the M. L. R. Act (Act No. 12 of 1964), but reference is made to the definition ‘ land revenue ’ given under Sec. 60 (b) of the Act. Apparently, the definition is given under Chapter

(SRI N. HUTCHAMASTHY GOWDA)

VI of the Act and the definition is limited for purposes of revenue jurisdiction. The expression 'land revenue' is defined under clause (b) to include any tax, cess, rate or other impost payable under the provisions of any law for the time being in force and such moneys due to the Government on account of such cesses, etc, are treated as 'land revenue' for the purpose of collection. It is clear from the provisions contained in the Act that such cesses are not part of land revenue though they are recoverable as land revenue.

All that Sec. 194 contemplates is the remission of land revenue in whole or in part as may be specified in such notification. Remission implies the liability to pay, but the authority empowered to recover such debt or money refrains to do so for reasons specified in Sec. 194. It follows, therefore, that remission of land revenue would not necessarily imply remission of other cesses liable to be recovered under the provisions of any law in force. There appears to be no provision under the L.R. Act. for remission of such cesses imposed under the provisions of any other law in force''.

As opined by the Law Department, instructions were issued to the Divisional Commissioners and the Deputy Commissioners intimating that there is no provision for remission of cesses and that, in future, while submitting remission proposals to Government for approval, cesses are not to be included.

The Divisional Commissioners were again requested in Government letter No. RDN 31 TRM 71, dated 8th June 1971 to issue suitable instructions to the Deputy Commissioners to restrict their suspension orders to land revenue (excluding cesses) and to exclude cesses while submitting their proposals to Government for remission of land revenue.

The Divisional Commissioner, Belgaum, wanted clarification as to whether the Government Order dated 8th June 1971 will have to be given affect to from the year 1971 or 1972 or whether the cesses on land revenue suspended or remitted in the past may have to be put down for recovery. On this, the Department of Law and Parliamentary Affairs was again consulted. The views expressed by that Department are as follows :

“This Department has already furnished opinion that the cess is not part of the land revenue, though cesses are recovered as land revenue and there is no provision under the Land Revenue Act for remission of such cesses imposed under the provisions of any other law in force.

In view of the opinion furnished by this Department that there is no provision in the Land Revenue Act for remission of

cesses imposed under the provisions of any other law in force, the cess payable for the years during which there have been remission of land revenue will have to be collected. As already opined, cesses are not part of the land revenue, though they are recovered as land revenue.

On the above opinion of the Law Department the Divisional Commissioner, Belgaum was informed in Government letter No. RDN 57 TRM 71. dated 22nd February 1972, that cesses payable for the years during which there had been remission of land revenue would have to be collected as arrears and that necessary instructions might be given to all the Deputy Commissioners in this regard. The other Divisional Commissioners were also informed of the position. Accordingly, the Revenue authorities are taking action to recover the arrears of cesses.

So far as suspension or remission of land revenue in Ramdurg taluk for 1971-72 is concerned, the position is as follows :

There are 103 villages in Ramdurg taluk, out of which, 51 are Kharif and the remaining 52 are Rabi. Orders for collection of land Revenue during the year 1971-72 have been issued as detailed below :

<i>Extent of collection.</i>	<i>No. of villages</i>		
	<i>Kharif</i>	<i>Rabi</i>	<i>Total</i>
1 50% collection of L. R.	1	13	14
2 Full suspension of L. R.	37	39	76
3 Remission	13	...	13
	<hr/> 51	<hr/> 52	<hr/> 103

Sri D. B. KALMANKAR.—The definition of 'Land Revenue' is not defined under Section 2 of the M.L.R. Act but it is defined in Section 60(b) of the Act which says that 'the expression 'land revenue' is defined under clause (b) to include any tax, cess, rate or other impost payable under the provisions of any law for the time being in force and such moneys due to the Government on account of such cesses, etc., are treated as 'land revenue' for the purpose of collection. So, the cesses, rate or other impost are recovered along with land revenue. The whole definition pertains to the land only. Taking into consideration the definition of 'land revenue', why not the collection of cesses also should not be suspended ?

ಶ್ರೀ ಎನ್. ಹುಡ್ಕೆಮಾಸ್ತಿಗೌಡ.—ಸ್ವಾಮಿ, ನನ್ನ ಹೇಳಿಕೆಯಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಿದ್ದೇನೆ. ಸೆಸಸ್ ಎನ್ನುವುದು ರ‍್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಡೆಫಿನಿಷನ್‌ನಲ್ಲಿ ಬೇರೆ ಇದೆ. ಕಾನೂನು ಪ್ರಕಾರ ಗೊತ್ತು ಮಾಡಿರತಕ್ಕಂಥ ತೆರಿಗೆಗಳು ಇವು. ರ‍್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ರೆಮಿಷನ್ ಮಾಡತಕ್ಕಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಈ ತೆರಿಗೆಗಳು ಇದರಲ್ಲಿ ಸೇರುವುದಿಲ್ಲ. ಇದು ನನ್ನ ಹೇಳಿಕೆಯಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿದೆ.

Sri D. B. KALMANKAR.—In case this is not the definition of land revenue, whether the government will amend the law so as to define land revenue correctly and precisely ?

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಲಾಂಚ್ ರೆವಿನ್ಯೂ ವಿನಾಯಿತಿ ಕೊಡತಕ್ಕಂಥ ಜನರಿಗೆ ಅನುಕೂಲವಾಗತಕ್ಕಂಥ ಉದ್ದೇಶದಿಂದ ಮತ್ತೊಮ್ಮೆ 1969ರಲ್ಲಿ ಸ್ವಾಂಪ್ ಡ್ಯೂಟಿ ಸಂದರ್ಭ ಬಂದಾಗ ಇದನ್ನು ಸೇರಿಸುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಪಟ್ಟರೂ ಇದು ಸಾಧ್ಯವಾಗಲಿಲ್ಲ. 194ನೇ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಅವಶ್ಯಕ ಎಂದು ಕಂಡುಬಂದರೆ ಈ ಮನೂವಾ ಕಾನೂನನ್ನು ತಯಾರು ಮಾಡಿ ಈ ಸಭೆಯ ಮುಂದೆ ಇಟ್ಟು ಒಪ್ಪಿಗೆ ಪಡೆಯುವುದಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳೋಣ.

ಶ್ರೀ ಆರ್ ಎಸ್. ಪಾಟೀಲ್.—ರಿವಿಷನ್ ಕೊಡುವುದು ಸಾಧ್ಯವಾಗಬೇ ಇದ್ದಲ್ಲಿ, ಲಾಂಚರ್ ಫಂಡ್ ಸೆಸ್ ಐವಾರು ವರ್ಷದಿಂದ ಬಾಕಿ ಇರುವುದನ್ನು ಒಮ್ಮೆಲೇ ವಸೂಲು ಮಾಡುತ್ತಿದ್ದಾರೆ, ಈಗ ಅಲ್ಪ ಬಹುತೇಕ ಕ್ಷಾಮ ಪರಿಸ್ಥಿತಿ ಕಂಡುಬರುತ್ತಿದೆ. ಈ ಕಾರಣದಿಂದ ಸೆಸ್ ಹಣವನ್ನು ಕಂತುಗಳಲ್ಲಿ ವಸೂಲಾಗುವುದಕ್ಕೆ ವ್ಯವಸ್ಥೆ ಮಾಡುತ್ತೀರಾ ?

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಸಹಾನುಭೂತಿಯಿಂದ ಪರಿಶೀಲನೆ ಮಾಡುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಶ್ರೀ ಆರ್. ಪೀರಣ್ಣ, ಶ್ರೀ ಎಚ್. ಎಸ್. ಸಿದ್ದಪ್ಪ, ಶ್ರೀ ಬಿ. ಪುಟ್ಟಸ್ವಾಮಯ್ಯ ಈ ಸದಸ್ಯರುಗಳು ಗಮನ ಸೆಳೆಯುವ ನೋಟವನ್ನು ಕಳುಹಿಸಿದ್ದು, ಇದುವರೆಗೂ ಅವರು ಸಭೆಯಲ್ಲಿದ್ದು, ಈಗ ಎದ್ದು ಹೋಗಿದ್ದಾರೆ. ದಯಮಾಡಿ ಈ ಅಭ್ಯಾಸವನ್ನು ತಪ್ಪಿಸುವುದು ಒಳ್ಳೆಯದು ಎಂದು ಕಾಣುತ್ತದೆ. ನನ್ನ ಹತ್ತಿರ ನೂರಾರು ಗಮನ ಸೆಳೆಯುವ ನೋಟಗಳಿದ್ದರೂ, ಇದು ಮುಖ್ಯವಾದುದು ಎಂದು ತಿಳಿದುಕೊಂಡು ನಾನು ತೆಗೆದುಕೊಂಡರೆ, ಹೀಗೆಲ್ಲ ಮಾಡುವುದು ಸರಿಯಲ್ಲ.

PAPERS LAID ON THE TABLE

Sri D. DEVARAJ URS (Chief Minister).—I beg to lay

“(a) Notification No. GSR 237 dated 23rd June 1972. The Mysore Excise (Excise Duties) (Amendment) Rules 1972. Under Section 72 (4) of Mysore Excise Act, 1965.

(b) Notification No. S.O. 1246 dated 26th June 1972. Direction regarding usage of Kannada in respect of all official communications.”

Under Section 4 of Mysore Official Language Act, 1963.

Sri B. BASAVALINGAPPA (Minister for Municipal Administration).—I beg to lay :

(a) Notification No. S.O. 1224 dated 23rd June 1972.

Extension of the period of supersession of the Town Municipal Council, Kumsi.

Under Sub-Section (5) of Section 316 of the Mysore Municipalities Act, 1964.

(b) Notification No. GSR 205 dated 8th May 1972. The Mysore Municipalities (Recruitment of Officers and Servants) (Special) Rules, 1972. Under sub-section (6) of Section 323 of the Mysore Municipalities Act, 1964.

Sri K. H. PATIL (Minister for Agriculture and Forest).—I beg to lay :

Notification No. AF 36 AMS 68 dated 20th May 1972.

Cotton Transport Mysore (Amendment) Rules, 1972.